

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JOHN ROBERT DEMOS, JR,

Plaintiff,

v.

CHERYL STRANGE, et al.,

Defendants.

NO. 3:22-cv-05084-DGE-DWC

ORDER ADOPTING REPORT AND  
RECOMMENDATION

Plaintiff John Demos, Jr., filed a proposed complaint under 42 U.S.C. § 1983 and a proposed motion to proceed *in forma pauperis* (“IFP”) in February 2022. (Dkt. Nos. 1, 3.) Plaintiff is incarcerated at the Washington State Penitentiary. Plaintiff is subject to several pre-filing bar orders. Pursuant to *In re John Roberts Demos*, complaints submitted by Plaintiff “will not be accepted for filing unless the complaint is accompanied by an affidavit that the claims presented have not been presented in any other action in any court and that [Plaintiff] can and will produce evidence to support his claims.” MC91-269-CRD (W.D. Wash. Jan. 16, 1992)


1 ["1992 Bar Order"]. Here, Plaintiff failed to file an accompanying affidavit with his proposed  
2 complaint. (*See generally* Dkt. No. 1.)

3 On February 24, 2022, United States Magistrate Judge David W. Christel issued Report  
4 and Recommendation, which recommends Plaintiff's proposed complaint be dismissed without  
5 prejudice because Plaintiff did not submit the affidavit required under the 1992 Bar Order. (Dkt.  
6 No. 4 at 2.) On March 5, 2022, Plaintiff filed objections to the Report and Recommendation.  
7 (Dkt. No. 5.) Attached to his objections, Plaintiff included an affidavit including the information  
8 required by the 1992 Bar Order. (Dkt. No. 5 at 5.) However, the 1992 Bar Order requires that  
9 an affidavit be filed with a complaint to be accepted, not as an objection to a report and  
10 recommendation (Dkt. No. 4 at 2) recommending dismissal for failure to comply with the 1992  
11 Bar Order. Thus, Plaintiff's proposed complaint cannot be accepted for filing, and should be  
12 dismissed without prejudice.

13 The Court, having reviewed Plaintiff's complaint, the Report and Recommendation of the  
14 Honorable David W. Christel, United States Magistrate Judge, any objections thereto, and the  
15 remaining record, hereby finds and ORDERS as follows:

- 16 (1) The Report and Recommendation (Dkt. No. 4) is ADOPTED;  
17 (2) Plaintiff's proposed complaint (Dkt. No. 1) is DISMISSED without prejudice.  
18 (3) Plaintiff's proposed IFP motion (Dkt. No. 3) is DENIED as moot.  
19 (4) The Clerk is directed to close this case and send copies of this Order to Plaintiff,  
20 counsel for Defendants, and to the Honorable David W. Christel.

21 Dated this 29th day of March, 2022.

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24 David G. Estudillo  
United States District Judge